



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 24 2017

The Honorable Catherine McKenna
Minister of Environment and Climate Change
200 Sacre-Coeur, 2nd Floor
Fountain Building
Gatineau, Quebec K1A 0H3
CANADA

Office of
International and
Tribal Affairs

Dear Minister McKenna:

In December 2016, EPA had the opportunity to contribute to Canada's Comprehensive Environmental Assessment Review by providing comments addressing the Canadian Environmental Assessment Authority's coordination with U.S. government on projects that have a potential impact on the U.S. We appreciate the opportunity to, once again, provide comments on Canada's *Expert Panel Report, Building Common Ground: A New Vision for Impact Assessment in Canada* (Report), released on April 5, 2017.

EPA has noted that the Expert Panel's Report lays out recommendations that would improve transparency and inclusiveness in Canada's environmental assessment process. Some of these provisions address points that EPA expressed in our comments submitted to the panel in December, 2016. For example, the recommendation in Section 3.1.1 of the Report to have a lead federal Canadian authority that is in charge of the assessment process would address concerns about objectivity and government-to-government communication.

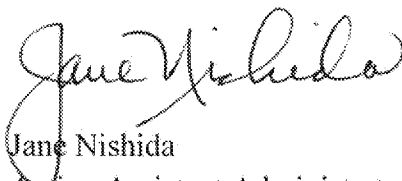
Many of the envisioned changes in processes could include engagement of downstream communities and federally recognized tribes in the U.S. when there is a potential for transboundary impacts in the U.S. Transboundary coordination is especially important given that First Nations and U.S. tribes have called for better transboundary coordination on environmental review processes for projects that could impact tribal and aboriginal resources.

EPA notes that there is very little in the report that specifically mentions how transboundary impacts, or the potential for transboundary impacts, might be addressed. The one place it is mentioned is the description of federal interests that would necessitate a federal assessment (Section 2.1.1 of the Report). The EPA agrees that federal assessments should be conducted for projects whose impacts could include "watershed or airshed effects crossing provincial or national boundaries."

We understand that you intend to engage stakeholders later this year as you consider options for moving recommendations forward. EPA would appreciate the opportunity to further discuss ways to address transboundary issues in the envisioned impact assessment process.

We look forward to further engaging with you on this topic. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane Nishida". The signature is fluid and cursive, with the first name "Jane" being more prominent.

Jane Nishida
Acting Assistant Administrator
Office of International and Tribal Affairs